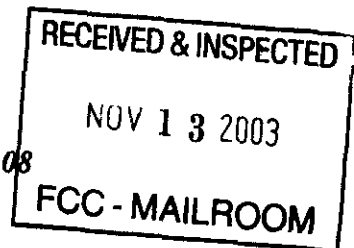


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November 3rd, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

We respectfully submit these comments in reference to FCC Notice of Proposed Rule Making, Docket No. 02-55, released March 15th, 2002, The Consensus Plan and Supplemental Comments.

Dear Ms. Dortch,

We are a licensee in the Public Safety Radio Service at 800 MHz and have begun operation of our regional 800 MHz trunked radio system. This radio system serves a population of approximately 618,600, covering an area of 2,090 square miles. Users of this system will ultimately consist of 50 agencies with upwards of 4,000 radios.

As we have commented previously, we believe that the consensus plan is a superior effort and addresses the significant issues arising from interference to 800 MHz public safety radio systems from NEXTEL operations. We do however, remain concerned that no more specific proposals have been developed which adequately address the unique situation found in the U.S.-Canada border regions (specifically U.S. Region 5 in our area). Our concerns center on the following two specific areas.

The first and most significant of these remains the potential for 'orphaning' half of the existing NPSPAC allocation in the middle of the proposed NEXTEL allocation. These channels, assigned by treaty for use on a primary basis to Canada, are heavily used by all of the public safety radio systems in our region on a secondary basis to Canadian operations. Without the complete relocation of the entire 6 MHz NPSPAC allocation downward, the proposals submitted by all interested parties to date are unworkable in the Seattle/Tacoma/Everett region.

There appears adequate basis in the international agreements between the United States and Canada, supported by the Boeing and NEXTEL border area waivers, to create as a part of the instant rulemaking, rules that allow complete use of the 855-862 MHz 'Canadian' spectrum on a secondary basis in the United States. This action can be taken without added consultation with Industry Canada. Such a change would permit the complete transposition of the 6 MHz NPSPAC band downward and allow the creation of additional assignable (albeit on a secondary, ERP limited basis) spectrum for public safety, business and industrial/land transportation users.

The second unresolved issue with the current Consensus Plan remains the lack of uniform interoperability spectrum assignments that are reasonably consistent with U.S. interoperability assignments (outside of the border regions) and Canadian interoperability allocations. Substantial additional work needs to be done to ensure that the interoperability channel needs and plans for the border regions are integrated into the proposal and the resulting rule making. Currently, it appears that the Canadian interoperability channels, the border area interoperability channels and the interoperability channels used in the non-border areas of the U.S. may all end up being different. This is simply not acceptable in an era where public safety requires more, not less, communications interoperability.

Provided a final plan incorporates these provisions or suitable alternatives that achieve the same results, the Consensus Plan remains the most workable alternative to resolution of the 'NEXTEL' interference issue. SERS additionally encourages Commission action that includes planning to achieve these changes.

Sincerely, 

Spencer Bahner
Manager